

§ 112

Claim 28 has been amended to include a "test compound."

§ 102

Claims 27 and 28 remain rejected under 35 U.S.C. § 102(b) as being anticipated by Downs. The Examiner cites Downs as teaching

"isolated allantoic tissue, culturing the tissue *in vitro*, transplanting the allantoic tissue to an embryo and observing the allantois, specifically observing the attachment of the allantois to the chorion Treating allantoic tissue with a compound as claimed is equivalent to contacting the allantoic tissue with an embryo as taught by Downs. In addition, Downs treated the allantoises with [³H]methyl thymidine . . . and observing the effect of [³H]methyl thymidine on growth and development"

Applicant asserts that Downs, et al. does not teach vasculogenesis originating in the allantois as opposed to vascularization which may originate elsewhere. As prior Declarations of Inventor Karen Downs assert, the Applicant at the time of the cited Downs, et al. article did not realize that vasculogenesis was occurring in the allantoic tissue. Applicant draws the Examiner's attention to Downs, et al., Developmental Biology 233:347-364 (2001) where Dr. Downs notes that "the murine allantois vascularizes initially by vasculogenesis rather than by invasion from the vitelline or fetal vasculatures (Downs, et al., 1998)." As Applicant's attorney pointed

out to the Examiner, it is this 1998 paper that forms a basis for the present application.

Therefore, Applicant has clarified the claims to note that one would observe the effect of a test compound on vasculogenesis that is not angiogenesis. In other words, Applicant is observing the effect on test compounds on the transformation of mesoderm into endothelial cells initiating within the allantois tissue. Applicant points to the specification page 16, lines 1 - 14, for support for this limitation.

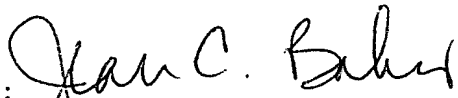
Applicant believes that the claims are in condition for allowance and respectfully request allowance. If further fees are necessary, please charge Deposit Account 17-0055.

Respectfully submitted,

Karen M. Downs

January 7, 2003

By:



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Karen M. Downs
Serial No.: 09/336,103
Filed: June 18, 1999
For: CHIMERIC MAMMALIAN ALLANTOIS
Group Art Unit: 1632
Examiner: M. Wilson

Commissioner For Patents
Washington, D.C. 20231

MARKED UP VERSION OF THE CLAIM

28. (Amended) A method of determining whether a test compound affects [vascularization] vasculogenesis of allantois tissue *in vitro* comprising the steps of:

- a) isolating allantoic tissue,
- b) culturing said allantoic tissue *in vitro*,
- c) treating the allantoic tissue with a test compound; and
- d) [observing the vascularization of the allantoic tissue treated with the compound,] observing vasculogenesis originating in the allantoic tissue, wherein an alteration in the [vascularization] vasculogenesis of allantoic tissue treated with the compound as compared to allantoic tissue not treated with the compound indicates that the compound [affects vascularization] alters vasculogenesis of [an] allantoic tissue.